

REMARKS/ARGUMENTS

The present remarks are responsive to the Official Action mailed September 23, 2004, the shortened statutory response period expiring on December 23, 2004. In view of the following amendments and remarks, reconsideration of the Examiner's rejections and notice of allowance of all pending claims is respectfully requested.

As an initial matter, Applicants wish to thank Examiner Kohner for the courtesies extended during telephone communications of October 26, 2004 and November 22, 2004. As the Examiner may recall, the Examiner and the undersigned discussed the merits of the Examiner's rejections, particularly those related to rejections based on Fig. 2 as set forth in the Examiner's "Response to Arguments Amendments." In this regard, Applicants noted (and continue to note herein) that Fig. 3 of the present application is a top, elevational, enlarged, sectional view of the barrier/pulse element shown in Fig. 2 of the present application, and therefore, any reference to Fig. 2 should be made with Fig. 3 of the present application in consideration. Although no agreement was reached, the independent claims have now been amended in a manner which is believed to overcome the Examiner's objection to the language previously used in the claims, and to now place the application into a condition for allowance.

With regard to the Examiner's "Response to Arguments Amendments" set forth in the Official Action, Applicants note that claims 10 and 22, the only independent claims pending in the application, have been amended to replace the "immediately following" language with the word "from." As shown in Figs. 3, 4, and 6 of the present application, in accordance with certain aspects of the present invention, the barrier pulse member may angle toward the rotary screen starting at a point at the exact intersection of the barrier/pulse member and the stator. Thus,

no new matter is presented by this amendment.

Using Fig. 2 of the present application, the Examiner has defined the barrier pulse member as having four sides, the four sides being:

1. The side which angles out toward the screen member;
2. The side attached to the stator;
3. A front portion which connects the two sides (and is smaller in length than the back portion); and,
4. A back portion which connects the two sides (and is larger in length than the front portion).

The Examiner has thus contended that U.S. Patent No. 3,404,065 issued to Ingemarsson ("Ingemarsson") meets the language "immediately following" as previously used in the independent claims.

Applicants disagree with the Examiner's contentions in this regard, and in particular, his characterization as to what is shown in the drawing figures. As discussed in the specification, Fig. 3 is an enlarged sectional view of the barrier/pulse member shown in Fig. 2. Fig. 3 clearly shows that the distance between the pulse surface and the rotary screen decreases in the direction of rotation of the screen, with the decrease beginning "from" the intersection of the barrier member and the stator. In this regard, in stating that the decrease begins "from" the intersection of the barrier member and the stator, Applicants intend the intersection to be the intersection identified as point "A" in the attached Exhibit, which corresponds to the intersection that the Examiner stated to be at the intersection of sides 2 and 3. Here it is noted that the rotary screen moves from side 3, the front portion, toward side 4, the back portion, as indicated by the rotational arrow shown in Fig. 3. Other configurations showing this type of arrangement, in which the distance between the pulse surface

and the barrier screen decreases beginning from the intersection of the barrier member and the stator, are shown in Figs. 4 and 6 of the present application. Applicants note that Fig. 5 does not show this configuration. Figs. 4 and 6 have also been annotated to show the intersection between the barrier/pulse member and the stator, identified as point "A."

Although using the Examiner's nomenclature at times throughout this amendment, Applicants note that the nomenclature appears to be inappropriate for certain embodiments of the present invention which are claimed. For example, the embodiment of the invention shown in Fig. 6 of the present application is expected to be covered by the present claims. Nevertheless, it does not appear to meet the four-sided construct set forth by the Examiner.

Turning to the Examiner's rejection of claim 23, the Examiner rejected said claim under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. In support of this position, the Examiner cites Fig. 2 of the present application, which in his opinion, discloses a barrier member extending outward at an angle that is perpendicular with regard to the stator. Applicants respectfully disagree. As previously stated, Fig. 3 of the application is an enlarged view of Fig. 2. The enlarged view focuses clearly on the aspect of Fig. 2 that the Examiner based his rejection on. Although Applicants believe that Fig. 2 does not show a barrier member extending outward at an angle perpendicular with regard to the stator, Applicants can at least appreciate the Examiner's view. However, there can be no question that Fig. 3 shows a barrier member extending at an angle back toward the back portion (side 4 in the Examiner's nomenclature), such that the angle faces the direction of rotation of the rotary screen. Again, Fig. 3 is an enlarged

view of Fig. 2, thus literally clarifying the issue.

By stating that the angle of the barrier member faces the direction of rotation of the rotary screen, and using the Examiner's nomenclature, Applicants intend that "side 1" faces the rotary screen from the direction of rotation. For example, Fig. 3 depicts a barrier member having "side 1" facing toward the left when viewed in the orientation of Fig. 3. The direction of rotation of the rotary screen is clockwise, as indicated by the arrow of Fig. 3. Thus, "side 1" faces the direction of rotation of the rotary screen, as claimed in claim 23. This relationship ensures that the barrier member produces a strong pulse to the screen, as discussed in paragraph [00038] of the specification. It may also be stated that a line drawn normal to a surface facing the direction of rotation of the rotary screen will comprise a vector component meeting the rotary screen at a 90° angle and a second vector component extending from the surface in a direction essentially opposite to the direction of rotation of the screen. Accordingly, claim 23 is believed to be sufficiently definite such that one skilled in the art would appreciate that which is being claimed by Applicants.

Moving in order through the Official Action, the Examiner next rejected claims 10-11, 13-17, and 21-22 under 35 U.S.C. § 102(b) as being anticipated by *Ingemarsson*. Of the rejected claims, claims 10 and 22 are independent. Each has been amended to replace the "immediately following" language with the feature of the distance between the pulse surface and the rotary screen decreasing in the direction of rotation of the rotary screen beginning "from" the intersection of the barrier member and the stator. In this regard, "from" may be defined as "at," such that the decrease begins immediately at or from the intersection, and there is no perpendicular element present. *Ingemarsson* does not teach this feature, and cannot be sustained

as an anticipating reference.

As discussed more fully in Applicants' amendment filed June 8, 2004, incorporated herein by reference, *Ingemarsson* teaches a long extension member extending perpendicular to the stator, where the extension member connects the barrier member having a tapering angle with the stator. The presence of the perpendicular extension member precludes *Ingemarsson* from having a pulse surface where the distance between the pulse surface and the rotary screen decreases in the direction of rotation of the rotary screen, with the decrease beginning "from" the intersection of the barrier member and the stator. For at least this reason, claims 10 and 22, as amended, are expected to be allowable over *Ingemarsson*. Although believed to include patentable features in their own right, claims 11, 13-17, and 21 each depend from claim 10, and are likewise expected to be allowable over *Ingemarsson*.

Claims 12 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ingemarsson*. Claim 12 was cancelled in the amendment made June 8, 2004 following a similar rejection. As such, the Examiner's rejection with respect to claim 12 is believed to be moot. Claims 18 and 19 each ultimately depend from claim 10, which has been amended as previously discussed. As it is believed that claim 10 is in a condition for allowance based on the present amendment and corresponding remarks, it is believed that claims 18 and 19, are also in a condition for allowance. Notwithstanding, it is believed that claims 18 and 19 include patentable subject matter in their own right.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 
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